

600 KAR 6:050. Procurement bulletins and advertisement for selection of professional firms for engineering or engineering-related services.

RELATES TO: KRS 45A.800-45A.835, 23 C.F.R. 172, 23 U.S.C. sec. 112(b)(2)

STATUTORY AUTHORITY: KRS 45A.807(2), 23 U.S.C. sec. 112(b)(2), 23 C.F.R. 172(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.807(2) requires the Transportation Cabinet to promulgate administrative regulations to implement its procurement of engineering services pursuant to KRS 45A.800 to 45A.835. This administrative regulation establishes the procedure to be used by the Transportation Cabinet for issuing public notice of the need for engineering or engineering-related services in accordance with KRS 45A.800 to 45A.835.

Section 1. Preparation of a Procurement Bulletin. (1) If the Transportation Cabinet has need of engineering or engineering-related services, it shall prepare a procurement bulletin announcing its intentions.

(2) A procurement bulletin prepared by the cabinet shall include a request for proposal for each project anticipated being contracted during a specified period of time. The request for proposal shall include the following:

- (a) The general scope of the project as provided by the user division;
- (b) A discussion of procedures to follow for submission of a proposal on the project;
- (c) An anticipated project schedule as provided by the user division;
- (d) Any requirements for DBE utilization;
- (e) Deadline for filing a response;
- (f) The evaluation factors and their relative weights on which a response shall be evaluated by the Selection Committee;
- (g) A timetable for the selection committee's meetings for the project;
- (h) A list of all firms prequalified pursuant to 600 KAR 6:040 in each applicable category as of the date of the bulletin;
- (i) A list of the firms prequalified pursuant to 600 KAR 6:040 and certified as a DBE as of the date of the bulletin;
- (j) If established in advance by the State Highway Engineer, the maximum fee for consultant services for the project;
- (k) If appropriate, the item numbers from the "six (6) year plan"; and
- (l) The items required by KRS 45A.825(2)(b).

(3) A copy of the procurement bulletin shall be made available to each firm prequalified in a category to perform engineering or engineering-related services for the cabinet.

(4) The procurement bulletin may require the initial solicitation of a complete work price and qualification proposal.

(5) A procurement bulletin for statewide engineering or engineering-related services may specify that more than one (1) firm may be selected to provide the services requested in the bulletin.

(6)(a) The user division or office shall recommend the evaluation factors and relative weights to the Transportation Cabinet Secretary. Unless unique or particularly complex circumstances exist, the evaluation factors shall be selected from the list established in this paragraph. The Transportation Cabinet Secretary, or designee, shall approve the evaluation factors and relative weighting placed on each of the factors that appear in a procurement bulletin for selection of a professional firm for engineering or engineering-related services. The evaluation factors shall include the:

1. Relative experience of professional personnel assigned to the project team with highway projects or projects on another mode of transportation or intermodal transportation projects for:
 - a. The Kentucky Transportation Cabinet; or
 - b. Federal, local or other state governmental agencies;
2. Capacity to comply with the project schedule;
3. Past record of performance on a project of similar type and complexity;
4. Project approach and proposed procedures to accomplish the services for the project;
5. Location where the work will be performed;
6. Special or unique expertise;
7. Special or unique equipment; and
8. Familiarity with geographic areas and resources.

(b) The weighting of each factor shall be published in the announcement for the specific project.

(7) In addition to publishing a procurement bulletin, the cabinet may place an advertisement of the cabinet's need for engineering or engineering-related services and availability of the procurement bulletin in two (2) newspapers of general, multicounty circulation and one (1) newspaper which has minorities as its targeted readership.

Section 2. Response to Procurement Bulletin. (1) A prequalified firm responding to a procurement bulletin for engineering or engineering-related services shall submit to the Division of Program Performance the number of copies of a completed Response to Kentucky Transportation Cabinet's Announcement for Engineering and Engineering-related Services as specified in the procurement bulletin.

(2) A firm or proposed subconsultant that is not prequalified in the specified areas of prequalification prior to the response due date published in the announcement of the need for engineering or engineering-related services for a particular project, shall not be considered for selection.

(3)(a) The Director, Division of Program Performance, or designee,, shall certify the list of firms that responded to the procurement bulletin in a timely manner to the appropriate Professional Engineering Services Selection Committee.

(b) A response received after the deadline shall be returned to the firm and shall not be listed for consideration to perform the project.

(c) A response received with fewer copies of the response than required by subsection (1)(a) of this section shall be returned to the firm and shall not be listed for consideration to perform the project.

(d) The list of responses to the procurement bulletin shall be confidential until the contract is negotiated and the Division of Program Performance or designee receives notification indicating that the LRC Government Contract Review Committee has received the contract and project information for review as set forth in 600 KAR 6:070.

Section 3. Incorporation by Reference. (1) "Response to Kentucky Transportation Cabinet's Announcement for Engineering and Engineering-related Services", May 2006 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the division of Program Performance, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. and 4:30 p.m. (22 Ky.R. 1410; Am. 1627; 1842; eff. 4-5-96; 24 Ky.R. 2760; 25 Ky.R. 836; eff. 10-6-98; 33 Ky.R. 546; 1311; eff. 11-9-06.)